



**THE HON SUSSAN LEY MP
MINISTER FOR THE ENVIRONMENT
MEMBER FOR FARRER**

MS21-009315

The Hon Mark Furner MP
Minister for Agriculture Industry Development and Fisheries
PO Box 46
BRISBANE QLD 4001

28 OCT 2021

Dear Minister *Mark*

I am writing to you in relation to the assessment of the Queensland Coral Fishery (the fishery) under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and further to my letters of 11 August and 22 September 2021.

I have declared the Queensland Coral Fishery an approved Wildlife Trade Operation (WTO) under Part 13A of the EPBC Act for three years until 28 October 2024. This approval is contingent on nine strict conditions being met by the Queensland Department of Agriculture and Fisheries (refer Attachment 1). I have also included two recommendations to further improve the management of the fishery.

I am deeply concerned about the current state of this fishery and Queensland's mismanagement in getting to this point. Australia is currently being scrutinised by the international community with the threat of further trade bans to not just this fishery, but all coral fisheries in Australia. This situation is unacceptable and cannot continue for this or any other Queensland managed fishery which has an international export component.

I am aware that both QDAF and industry have recently understood the seriousness of the situation for this fishery. I am encouraged by the commitment to limit catch within the current season to as close as practicable to the new harvest limits as reflected in Condition 7.

To send a positive message to international markets and to assist delaying potentially imminent trade bans, I would encourage a public statement from Queensland regarding the improved management arrangements that will commence from today for this fishery.

Yours sincerely

Sussan Ley
SUSSAN LEY

cc: Mr Graeme Bolton, Deputy Director-General
Queensland Department of Agriculture and Fisheries

Part 13A Conditions and Recommendations on the approved Wildlife Trade Operation declaration for the Queensland Coral Fishery – October 2021

Condition 1:

The Queensland Department of Agriculture and Fisheries must ensure that operation of the Coral Sea Fishery is carried out in accordance with management regime specified in Queensland Department of Agriculture and Fisheries, and Great Barrier Reef Marine Park Authority issued permits, as well as in the following:

- *Fisheries Act 1994* (Queensland)
- Fisheries (General) Regulation 2019 (Queensland)
- Fisheries (Commercial Fisheries) Regulation 2019 (Queensland)
- Fisheries Declaration 2019 (Queensland)
- Fisheries Quota Declaration 2019 (Queensland)
- *Marine Parks Act 2004* (Queensland)
- Marine Parks Regulations 2019 (Queensland)
- *Great Barrier Reef Marine Park Act 1975* (Commonwealth)
- Great Barrier Reef Marine Park Regulations 2019 (Commonwealth).

Condition 2:

The Queensland Department of Agriculture and Fisheries must inform the Department of Agriculture, Water and the Environment of any intended material changes to the Queensland Coral Fishery's management arrangements that may affect the assessment against which *Environment Protection and Biodiversity Conservation Act 1999* decisions are made.

Condition 3:

The Queensland Department of Agriculture and Fisheries must inform the Department of Agriculture, Water and the Environment of any intended changes to fisheries legislation that may affect the legislative instruments relevant to this approval.

Condition 4:

The Queensland Department of Agriculture and Fisheries must produce and present reports to the Department of Agriculture, Water and the Environment annually, as per Appendix B of the *Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition*.

Condition 5:

Before the commencement of the 2022–23 fishing season, the Queensland Department of Agriculture and Fisheries must undertake work to better characterise the approximate species composition of catch for species listed in Attachment A for which identification to genus-level is acceptable at export, including by:

- a) introducing a scientific program to independently characterise the approximate species composition of specimens of the genus *Acropora* harvested from the Queensland Coral Fishery.

This should be representative of *Acropora* sp. harvest from all regions and habitats in which the fishery operates and be conducted at regular intervals of no greater than every 12 months. Findings must be reported to the CITES Scientific Authority as part of the annual reporting requirement under Condition 4.

Condition 6:

Before the commencement of the 2022–23 fishing season, the Queensland Department of Agriculture and Fisheries must implement annual harvest limits in the Queensland Coral Fishery:

- a) provided in Attachment B. These limits are to remain in place until robust data is presented to the satisfaction of the CITES Scientific Authority to underpin a revised Non-Detriment Finding.
- b) for all species with a catch history in the fishery during the reference period used in the Harvest Strategy (except those species of concern listed in Attachment B) and have a catch limit of 150% of the harvest level in the reference period.
- c) of 600 kg for all other CITES listed coral species harvested in the fishery.

Condition 7:

The Queensland Department of Agriculture and Fisheries must:

- a) for the remainder of the 2021–22 fishing season, work with industry to limit catch within the current season to as close as practicable to the harvest limits outlined in Condition 6.
- b) before the commencement of the 2022–23 fishing season, inform the Department of Agriculture, Water and the Environment of what mechanism will be used to enforce the harvest limits outlined in Condition 6.
- c) from the commencement of the 2022–23 fishing season, actively manage harvest within the limits specified in Condition 6.

Condition 8:

By 30 June 2022, the Queensland Department of Agriculture and Fisheries must publish a revised Ecological Risk Assessment for the Queensland Coral Fishery.

Condition 9:

The Queensland Department of Agriculture and Fisheries must, within 90 days of a disturbance event occurring in the Queensland Coral Fishery, inform the CITES Scientific Authority of any potential impacts these may have on the Non-Detriment Finding determinations, including management responses implemented.

Recommendation 1:

The Queensland Department of Agriculture and Fisheries to provide the facility for fishers in the Queensland Coral Fishery to report harvest of all species listed in Attachment A to species-level. This should be supported by guidance materials and expert review of records where fishers identify knowledge gaps.

Recommendation 2:

Queensland Department of Agriculture and Fisheries to work with the coral harvest industry to develop a traceability framework for the QCF that supports distinguishing wild harvested corals from captive bred corals.

Attachment A

Hard coral (order Scleractinia) taxa where identification to genus level is acceptable but should be identified to species level where feasible. All other hard corals should be recorded to species

- Acropora
- Agaricia
- Alveopora
- Anacropora
- Astreopora
- Balanophyllia
- Barabattoia
- Blastomussa
- Caulastraea
- Coscinaraea
- Cyphastrea
- Dendrophyllia
- Distichopora
- Echinophyllia
- Echinopora
- Favites
- Fungia
- Galaxea
- Goniastrea
- Goniopora
- Heteropsammia
- Hydnothophora
- Leptastrea
- Leptoseris
- Lobophyllia
- Montastrea
- Montipora
- Oculina
- Oxypora
- Pachyseris
- Pavona
- Pectinia
- Platygyra
- Pocillopora
- Porites
- Psammocora
- Seriatopora
- Siderastrea
- Stylaster
- Stylocoeniella
- Stylophora
- Turbinaria

Annual harvest limits for species of concern

Taxa	Harvest limit (kg)
<i>Acropora</i> spp.	19,500
<i>Micromussa lordhowensis</i>	3,715
<i>Homophyllia</i> cf. <i>australis</i>	1,065
<i>Trachyphyllia geoffroyi</i>	701
<i>Acanthophyllia deshayesiana</i>	600
<i>Catalaphyllia jardinei</i>	1,772
<i>Fimbriaphyllia ancora</i>	1,863
<i>Euphyllia glabrescens</i>	926
<i>Duncanopsammia axifuga</i>	966
<i>Cycloseris cyclolites</i>	600
<i>Montipora</i> spp.	1,099



COMMONWEALTH OF AUSTRALIA

Environment Protection and Biodiversity Conservation Act 1999

Revocation of Accreditation of a Plan, Regime or Policy for the purposes of Part 13. Accreditation of a Plan, Regime or Policy for the purposes of Part 13 of the EPBC Act. Queensland Coral Fishery, October 2021

I, SUSSAN LEY, as Minister for the Environment:

- a) revoke the accreditation of the management regime for the Queensland Coral Fishery dated 18 June 2021, and
- b) being satisfied that:
 - i) the management regime for the Queensland Coral Fishery in force under the:
 - *Fisheries Act 1994* (Queensland)
 - Fisheries (General) Regulation 2019 (Queensland)
 - Fisheries (Commercial Fisheries) Regulation 2019 (Queensland)
 - Fisheries Declaration 2019 (Queensland)
 - Fisheries Quota Declaration 2019 (Queensland)
 - *Marine Parks Act 2004* (Queensland)
 - Marine Parks Regulations 2019 (Queensland)
 - *Great Barrier Reef Marine Park Act 1975* (Commonwealth)
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requires persons engaged in fishing under the management regime to take all reasonable steps to ensure that members of listed threatened species, listed migratory species, cetaceans and listed marine species are not killed or injured as a result of the fishing, and

- ii) the fishery to which the management regime relates does not, or is not likely to, adversely affect:
 - a) the survival or recovery in nature of any listed threatened species, or
 - b) the conservation status of a listed migratory species, cetacean, or listed marine species or a population of that species,

accredit the management regime for the Queensland Coral Fishery in force under the:

- *Fisheries Act 1994* (Queensland)
- Fisheries (General) Regulation 2019 (Queensland)
- Fisheries (Commercial Fisheries) Regulation 2019 (Queensland)
- Fisheries Declaration 2019 (Queensland)
- Fisheries Quota Declaration 2019 (Queensland)
- *Marine Parks Act 2004* (Queensland)
- Marine Parks Regulations 2019 (Queensland)
- *Great Barrier Reef Marine Park Act 1975* (Commonwealth)
- Great Barrier Reef Marine Park Regulations 2019 (Commonwealth)

under sections 208A, 222A, 245 and 265 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) for the purposes of Divisions 1, 2, 3 and 4 respectively of Part 13 of the EPBC Act.

Dated this 28th day of October 2021

A handwritten signature in cursive script, appearing to read "Sue Ley", written over a horizontal dotted line.

Minister for the Environment